

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

AGUSTIN GUTIERREZ VALENCIA, et
al.,

Defendant.

CASE NO. 2:22-cr-00151-LK

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL
DATE

This matter comes before the Court on Defendant Jesus Toledo Pardo's Motion to Continue Trial and Pre-Trial Motions Date. Dkt. No. 151.¹ Mr. Pardo moves to continue the trial date from April 1, 2024 to October 28, 2024, and to continue the February 19, 2024 pretrial motions deadline accordingly. *Id.* at 1; *see also* Dkt. No. 133 at 3 (setting current trial date and pretrial motions deadline). No party has opposed the request, and Mr. Pardo states that the Government and all co-Defendants are "in agreement with the continuance request." Dkt. No. 151 at 2.

¹ A motion to continue the trial date to October 28, 2024 was also filed and granted in a related case, *United States v. Valenzuela Haro*, 22-cr-00190-LK, Dkt. Nos. 30, 32 (W.D. Wash.).

1 On September 21, 2022, the Grand Jury returned an indictment charging the six Defendants
2 in this case with five counts, including Conspiracy to Distribute Controlled Substances, in violation
3 of 21 U.S.C. §§ 841(a)(1) and 846, and Possession of Controlled Substances with Intent to
4 Distribute, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A). Dkt. No. 38 at 1–6. The case arises
5 from a significant investigation into a large-scale methamphetamine distribution operation which
6 resulted in several law enforcement operations and related cases, including the multi-defendant
7 indictment in *United States v. Paleo*, No. 22-cr-00180-LK (W.D. Wash.). Dkt. No. 117 at 2–3 &
8 n.1.

9 On November 1, 2022, the Court granted Mr. Pardo’s first unopposed motion to continue
10 trial and the pretrial motions deadline, Dkt. No. 97, and on May 26, 2023, the Court granted the
11 parties’ stipulated motion for another continuance, this time continuing the trial to April 1, 2024
12 and extending the pretrial motions deadline to February 19, 2024, Dkt. No. 133.

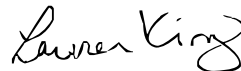
13 Mr. Pardo now seeks a third continuance. Dkt. No. 151. His counsel was recently appointed
14 to represent him after his previous counsel withdrew, and counsel is now faced with reviewing
15 “voluminous” productions from the Government, including “over 2,000 pages of discovery” and
16 “68 terabytes of surveillance data.” *Id.* at 1–2. He further states that “[c]ounsel has not yet had an
17 opportunity to review discovery in its entirety or confirm that discovery is complete.” *Id.* The
18 motion further avers that “[u]nless the trial is continued in this case, Counsel will not have
19 sufficient time to review discovery material to determine possible pre-trial motions, and possible
20 lines of defense or to advise Mr. Pardo on alternatives to trial.” *Id.* at 3 (“Given the magnitude of
21 the discovery, Counsel will not be adequately prepared by the current trial date and will be unable
22 to provide the Defendant with competent counsel.”). All six Defendants in this case have filed
23 speedy trial waivers waiving their right to a speedy trial through at least November 30, 2024. Dkt.
24 No. 152 at 1–2 (Jesus Toledo Pardo); Dkt. No. 153 at 1 (Ernesto Casillas); Dkt. No. 154 at 1

(Rosalio Reynoso Arellano); Dkt. No. 155 at 1 (Agustin Gutierrez-Valencia); Dkt. No. 156 at 1 (Daniel Vazquez-Arroyo); Dkt. No. 157 at 1 (Benigno Hernandez-Arellano, charged as Ivan Santos Arellano).

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by granting a continuance outweigh the best interest of the public and Defendants in any speedier trial. Specifically, the Court finds that failure to grant the requested continuance would likely result in a miscarriage of justice and would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, due to counsel's need for more time to obtain and review discovery, prepare pretrial motions and defenses, consult with their clients, and prepare for trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (ii), and (iv). The Court finds that the additional time requested is a reasonable period of delay and will be necessary to provide counsel and Defendants reasonable time to accomplish the above tasks.

For these reasons, the Court GRANTS Mr. Pardo's unopposed motion, Dkt. No. 151, and ORDERS that the trial date for all Defendants shall be continued from April 1, 2024 to October 28, 2024 and that the pretrial motions deadline shall be continued from February 19, 2024 to September 16, 2024. It is further ORDERED that, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B), the period of delay from the date of this Order to the new trial date is EXCLUDED when computing the time within which their trial must commence under the Speedy Trial Act.

Dated this 4th day of March, 2024.



Lauren King
United States District Judge